

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-7 were pending in the application. Claims 1, 2, and 5-7 have been amended and no claims have been added or canceled. Accordingly, claims 1-7 are pending in this application and are submitted for reconsideration.

Applicants have amended the specification to correct a minor typographical error. No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicants have amended claims 1, 2, and 5-7 to improve their readability and to correct other formal matters. These amendments are not believed to substantively narrow the scope of these claims in any way.

In the Office Action, claims 1 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Pat. No. 5,038,880 ("Matsuoka"). Claims 2-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Matsuoka in view of U.S. Pat. No. 5,778,331 ("Leising"). Applicants respectfully traverse these rejections for at least the following reasons.

One of the features recited in the independent claims 1, 2, and 7 is to maintain or fix a gear ratio of an automatic transmission at a gear ratio set at a moment before decreasing a set vehicle speed, for example, during the time when a coast switch 30 is being operated to decrease the set vehicle speed.

With this recited feature, even when coast switch 30 is used continuously, the command gear ratio DRATIO(t) is maintained at a value set just before switching on the coast switch 30 until the coast switch 30 is switched off.

Accordingly, when the set speed of the vehicle speed control system is first decreased by operating coast switch 30 and is then increased, for example, by operating accelerate switch 40, the shift down is prohibited during this period. Therefore even if the throttle opening is opened or increased to accelerate the vehicle for the purpose of returning the

significantly decreased vehicle speed to the set vehicle speed, the engine rotation speed is not increased dramatically under such a transmission condition. This prevents excessive engine noises from being generated. Neither these recited features nor their attendant advantages are disclosed or suggested by the applied prior art.

Specifically, Matsuoka discloses "If the judgment in step S121 is yes (when the vehicle is in the ascent running zone II), a shift down operation is not made even when the coast switch is on because the vehicle is in an ascending condition", in column 7, line 67 to column 8, line 2 of Matsuoka. This disclosure teaches that if the vehicle is not in an ascending condition, the shift down operation is made even when the coast switch is on. That is, Matsuoka teaches determining whether a shift down in reply to a switch signal of the coast switch is made or not, according to the ascent of a traveling road. That is, Matsuoka allows the downshift when the coast switch is on based on a determination according to the ascent of the traveling road. Therefore, Matsuoka does not disclose or suggest the claimed feature that a shift position is maintained during the time when the coast switch is turned on as clearly recited in the pending independent claims. Neither is this deficiency in Matsuoka cured by Leising.

Specifically, Leising discloses a feature of reducing the overall number of downshifts that would otherwise occur in an automatic transmission of the vehicle by means of a kickdown delay methodology 40. See column 8, lines 48-62 of Leising. The methodology 40 reduces the overall number of downshifts by preventing or inhibiting a scheduled transmission gear downshift over a delay period based on an updated vehicle speed loss value and the presence of vehicle deceleration. That is, Leising teaches downshift inhibition is executed only as to a scheduled transmission gear downshift over a delay period so as to reduce the overall number of downshifts. That is, Leising teaches that downshifts occur during the relevant period except that overall number of downshifts is reduced (while a reduced number of downshifts occur). Accordingly, neither Leising nor Matsuoka or their reasonable combination disclose or suggest the features recited in pending independent claims 1, 2, and 7.

Since neither the features nor the advantages of the claimed invention is disclosed or suggested by the applied prior art, the pending independent claims are believed to be patentable over the applied prior art.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional reasons for their patentability when considered as a whole.

In view of the above, applicants believes that the present application is now in condition for allowance. An early notice of the same is respectfully solicited. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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